

COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CIVIL INVESTIGATIVE  
DEMAND  
C.A. No. 03-5408 A  
Demand No.: 03-001  
Date Issued: November 13, 2003

TO: Thomas J. Kennedy  
Chair, Board of Trustees  
Boston Church of the New Jerusalem  
140 Bowdoin St.  
Boston, MA 02108-2799

Thomas J. Kennedy  
Chair, Board of Trustees  
Boston Society of the New Jerusalem, Inc.  
140 Bowdoin St.  
Boston, MA 02108-2799

You are hereby required to produce and deliver to the members of the Massachusetts Attorney General's staff named below, for examination and copying, the documentary material in your possession, custody or control as described in Section C (attached hereto), on or before December 13, 2003.

This Civil Investigative Demand ("CID") is issued pursuant to Massachusetts General Laws, chapter 12, section 8H, as part of an investigation by the Department of the Attorney General into alleged violations of those statutes by Boston Church of the New Jerusalem and/or Boston Society of the New Jerusalem, Inc.. The documentary material identified in Section C below shall be provided to, and reviewed by, the director and staff members of the Public Charities Division of the Attorney General's Office, and such other employees, agents, and experts of the Office of Attorney General as needed as part of this investigation.

Under Massachusetts General Laws chapter 12, Section 8H(7), which is set forth in full at Enclosure 1, you may at any time prior to the date specified in this CID, or within twenty-one days after the CID has been served, whichever period is shorter, upon motion for good cause shown, extend such reporting date or modify or set aside the notice provided for in this section.

Your attention is directed to the provisions of Section 8I of M.G.L. chapter 12, set forth in full at Enclosure 2, which makes obstruction of this investigation punishable by a fine of up to five thousand dollars (\$5,000.00). Furthermore, the attorney general may file in the superior court of the appropriate county a petition for an order of such court for the enforcement of this section and section eight H. Any disobedience of any final order entered under this section by any court shall be punished as a contempt thereof.

#### SECTION A: INSTRUCTIONS

1. Each document submitted in compliance with this CID shall be numbered consecutively on the face of the document and shall clearly identify the paragraph of Section C to which the document is responsive. Copies of original documents shall be legible in their entirety and shall be reproduced on standard white paper.
2. Each request for a document requires production of the document in its entirety, without abbreviation or expurgation.
3. If any responsive document is available in electronic format, the document shall be provided in electronic format in addition to hard copy. The document shall be provided in the same electronic format in which you maintain it in the regular course of business, together with any directions for retrieval of the information using an IBM-compatible personal computer.
4. If any document is withheld from production on the ground that the document contains materials for which a claim of privilege is asserted, you must identify the document.

The identification should include the name, address, position, and organization of the author, each recipient of the document, a brief description of the subject matter of the document, the request to which the document is responsive and the specific grounds for the claim that the document is privileged.

5. If any document requested was, but is no longer, in your possession or control or is no longer in existence, state whether it is: (a) missing or lost; (b) destroyed; (c) transferred voluntarily or involuntarily to others and if so, to whom; (d) otherwise disposed. In each instance, explain the circumstances surrounding and the authorization for such disposition and state the approximate date thereof. Identify all persons having knowledge of the contents of the document.

6. Unless otherwise indicated, this CID is limited to documents prepared or used after January 1, 2001.

7. If your company has a document retention/destruction program, you are asked to suspend it immediately with regard to any document that may be responsive to this CID. Regardless of whether your company has a document retention/destruction program, take precautions to ensure that no documents called for by this document production request are inadvertently or purposely destroyed.

8. The scope of this CID encompasses all the documents of either/or the Boston Church of the New Jerusalem or the Boston Society of the New Jerusalem, Inc. ("Boston Church") wherever the documents may be situated. The scope of this CID includes those documents in the possession, custody, or control of Boston Church's general partners, officers, directors, parents, subsidiaries, employees, agents, representatives, or any other person or entity acting in concert with or on behalf of Boston Church, regardless of whether such person or entity

is located at the place of business of Boston Church.

9. The responses to this CID shall be accompanied by a document identifying the person(s) responsible for preparing each response to this CID and a copy of any instructions prepared by the company relating to the steps taken to respond to this CID. The person(s) preparing each response to this CID shall submit a sworn statement that the information provided is accurate, true, and complete.

10. If any document requested herein is unobtainable or nonexistent, but the requested information is known to you, a certified sworn statement providing the requested information should accompany the statement given pursuant to paragraph 9 above.

11. If you wish to discuss possible clarification or amendment of the CID, please contact the following persons within five (5) days of the receipt of the CID. This contact, if made, shall not act as an automatic extension of the production deadline.

Jamie Katz  
Chief, Public Charities Division  
Office of the Attorney General  
Public Protection Bureau  
One Ashburton Place Rm 1413  
Boston MA 02108

#### SECTION B: DEFINITIONS

Whenever used in this Civil Investigative Demand, the following terms shall have the following meanings:

(a) "Document" means all writings of any kind, including originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise (including without limitation correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, newsletters, circulars, agenda, contracts, reports, evaluations, studies, checks, statements, receipts, returns, summaries, pamphlets, books,

prospectuses, interoffice and intra-office communications, offers, proposals, notations of any sort of conversations, telephone calls, meetings or other oral communications, bulletins, printed matter, computer printouts, teletype, telefax, invoices, worksheets (and all drafts, alterations, modifications, changes and amendments of any of the foregoing), graphic or aural records or representations of any kind (including without limitation photographs, charges, graphs, microfiche, microfilm, videotape, records, motion pictures) and electronic mechanical or electric records and representations, of any kind (including without limitation tapes, cassettes, disks and recordings). The term "documents" shall include both hard copies ( on paper) as well as computer generated or stored data in the form of hard drives, disks, and so forth.

(b) "Boston Church" means Boston Church of the New Jerusalem and/or the Boston Society of the New Jerusalem, Inc. and any their parent corporations, affiliates, subdivisions or subsidiaries, any present or former officer, director, agent, employee, or any other person acting or purporting to act in concert with or on behalf of Boston Church of the New Jerusalem or the Boston Society of the New Jerusalem, Inc., including, but not limited to, independent contractors, sales representatives, consultants, or any other person exercising or purporting to exercise discretion, or making or implementing policy decisions concerning any of the matters covered by the CID.

(c) "Person" or "persons" includes natural persons, sole proprietorships, firms, partnerships, associations, joint ventures and corporations, and all present and former directors, officers, employees, agents, consultants or other persons acting in concert with, or on behalf of, any of them.

(d) The term "relate" means embody, refer or relate, in any manner, to the subject of the document request.

(e) The term "refer or relate to" shall mean to make a statement about, embody, discuss, describe, reflect, identify, deal with, consist of, establish, comprise, list, or in any way pertain, in whole or in part, to the subject of the document request.

(f) "You" and "your" and "the corporation" means Boston Church as defined above in (b).

#### SECTION C : DEMAND

1. Any and all board minutes, records, memoranda, notes, summaries, correspondence, or other documents relating to decisions, deliberations, conversations, meetings, communications, of any Boston Church board meetings, committee meetings, meetings of leaders, or meetings (whether special or regular) of the Boston Church membership.

2. Any and all membership lists, records of votes, memoranda, or other documents of the Boston Church relating to the membership of the Boston Church.

3. Any and all lists, records of votes, memoranda, or other documents relating to the election of officers of the Boston Church.

4. Any and all financial records, including all checks, check registers, financial logs, bank account records, cancelled checks, bank statements, bank account records, records of accounts payable, records of payments, records of donations, income statements, financial statements, audits, receipts, or other documents relating to the accounts, assets, or financial operation of the Boston Church.

5. Any and all internal memoranda, notes, records, or other documents relating to any Boston Church funds, accounts, or assets.

6. Any and all phone records of any telephones, or cell or digital phones, paid for by, or in the possession of, Boston Church.

Issued at Boston, Massachusetts, this 13th day of November, 2003.

THOMAS F. REILLY  
ATTORNEY GENERAL

By: Jamie Katz

Jamie Katz  
Assistant Attorneys General  
Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108  
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*Service By Hand and by Certified Mail  
Return Receipt Requested*